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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Centre Europe-Tiers Monde, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[10 March 1997]

Neoliberalism and trade union rights

Two examples taken from countries often presented as successful models, the Asian "dragons"

1. For nearly two decades now, neoliberal policies have dominated the international scene. Twenty years of "sacrifices" have been presented as "promises of a better tomorrow"; overall, 20 years of results have been the opposite, taking the world population as a whole, as numerous UNDP reports basically show. This picture is not, however, seen as one of unrelieved gloom. The extremely rapid "growth" of some "emerging" countries is regarded as proof of this: among them are the famous, old or more recent, "Asian dragons".

2. Yet even in these countries, the social impact of this "growth" has been highly uneven: the prodigious growth in the wealth of a tiny minority has indeed brought with it income improvements for a newly emerging middle class. And, to the great delight of the multinational companies, a not inconsiderable number of wage-earners have gained access to certain international consumer goods, often of a frivolous nature. But for the vast majority of workers improvements in wages, if any, have been rapidly eroded by inflation. Above all, the number of marginalized and rootless people, small farmers and craftsmen driven to bankruptcy, suburban populations living in destitution, performing degrading jobs, engaging in prostitution, etc. has skyrocketed. This is not to mention the indigenous populations in many countries, who have been decimated by the onrush of mining, forestry or tourism projects.

3. Admittedly, there seem to be substantial differences even within these "dragons". For any generalization there are always exceptions. However, there is one constant feature: virtually everywhere, this growth in trade and production, and integration into the world market, have often been accompanied by even more severe repression of the poor, attempts to muzzle the political opposition as soon as it puts up a fight, and a determination to prevent any emergence of truly independent trade union movements.

4. While there is no shortage of examples, 1/ the following paragraphs will place particular emphasis on the anti-trade-union repression rampant in two of these "dragons" - a relatively old one, South Korea, and a more recent one, Indonesia. These examples are in no way designed to demonize a particular government or local employer, when one of the dominant features of globalization today is the transnationalization of capital and the repetition of the same economic policies throughout the world. They serve to show that even in countries which boost the greatest "economic successes" - and thus, according to neoliberal propaganda, where progress towards democracy and civic freedoms should be the most marked - there is actually increased anti-trade-union and anti-democratic repression, a point already illustrated by the Thatcher era in England and the Reagan era in America.

5. One phenomenon appears to be the corollary of the other. If "liberalization" is accompanied by some democratic gestures which benefit only

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1/ Similarly, new "anti-terrorist" laws were promulgated by the Philippine Government, "which hold trade union activity to be a crime" (Monde du travail, ICFTU, January 1997); and a ban was maintained on independent trade unions in China - and even on any trade union presence within the "special zones". At a symposium held in Pisa from 1 to 3 October 1995, Apo Leong, Director of the Asia Monitor Resource Center in Hong Kong, stated: "Today is a national holiday in China. Forty-six years ago, Mao Tse-Tung rebelled and said 'the Chinese people stand tall'. Today, 46 years later, I have seen many Chinese fall, or feel obliged to get down on their knees before foreign leaders or Party officials, and I have seen them go through many other ordeals." (Extract from Sud-Nord: Nouvelles alliances pour la dignité du travail, CETIM, 1996).

a minority, for the great majority of citizens it entails curtailment of their actual rights. The citizen, the subject of democracy par excellence, is replaced by the consumer. The principle of equality is overshadowed by considerations of solvency. This is a kind of concealed wealth-based suffrage, a "low-intensity" democracy! Is this the sort of world that we want?

South Korea

6. One of the first "dragons", but without following a neoliberal model at the outset, South Korea has experienced remarkable economic development and has become a modern country: industry and services make up more than 90 per cent of its GDP, and agriculture only 7.1 per cent. "The South Korean trade union movement has been through very difficult times. A dictatorial regime imposed its rule until 1993. However, the workers in South Korea have shaken the military authorities through their actions since the beginning of the 1980s. In 1987, a formidable wave of strikes developed. It resulted in the creation of hundreds of combative trade unions in the main firms of the country" (C.A. Udry, in Le Nouveau Syndicat, January 1997).

7. The outcome was a trade union structure consisting of trade unions, established in certain giant companies, an official central trade union organization, the FKTU, which has 1.2 million members, and a more combative trade union, the KTCU (Korean Trade Union Confederation) which, despite having 500,000 members, is still illegal. The regime prohibits trade union pluralism and prevents any legal trade union activity from taking place within the public and education sector.

8. "After Kim Young-Sam elected Present [of South Korea] in 1993, the trade unions experienced a brief respite. But the President, formerly a member of the opposition, rapidly fell into the hands of the military hard-core major employers. Thus, dozens of trade unionists were in prison, before the strike was launched [in late December 1996]. Repression against trade union activists has once again become common since 1995" (ibid). What were the reasons for this strike, on a scale which shocked the entire world?

9. On 26 December 1996, the regime carried out a veritable parliamentary coup d'état in scandalous circumstances which were widely commented on in the press. This so-called parliament, to which only the members of the governmental party (PCN) had been summoned, adopted three measures:

- Promulgation of a new labour law, providing for dismissal facilities, the authorization to hire temporary staff in case of a strike, and maximum flexibility of working hours depending on orders;

- Adoption of decrees reinforcing the rights of the political police (National Security Agency) to watch and repress members of the opposition and, more especially, trade union activists;

- Deferral of legal recognition of trade union pluralism until the year 2002.

10. The consistent design of these measures - strongly resisted by an unprecedented wave of strikes and demonstrations - is obvious. The aim of the authorities is nothing less than to "break the power of the trade unions" in the name of competitiveness, as the Financial Times immediately described the situation on 9 January 1997. During this single day of 26 December, the process was completed. Behind its mask of democracy, the cruelty of the facts and objectives of neoliberalism were clearly revealed to the world, for those who are willing to see them.

Indonesia

11. Boasting one of the fastest growth rates in the world (6 to 7 per cent annual growth) and a model lavishly praised by the World Bank, Indonesia is perceived as one of the most promising apprentice "dragons" of South-East Asia, despite growing fears of unemployment, ever-increasing land disputes in rural areas and the havoc wrought on the "indigenous" peoples living on part of the islands, in particular Borneo.

12. Concurrently with economic liberalization, President Suharto had ordered a "political opening" in the early 1990s. He had assured the press in particular that there would "no longer be any censorship" and certain newspapers became more daring. This improvement did not last long: in June 1994, three of Indonesia's major weekly newspapers, Tempo (in existence for 23 years, circulation of 200,000), Editor (circulation of 90,000) and Detik (a rapidly expanding publication with a circulation of 450,000) were banned.

13. Two years later, and although the party in power, the Golkar, was already sure of winning the next elections, thanks to a tailor-made electoral system, it was the turn of one of the main opposition parties, the Indonesia Democratic Party (IDP) to be attacked. Ms. Megawarthi, daughter of the former President Sukarno, had become President of the IDP in December 1993. On 20 June 1996, during a very "extraordinary" congress meeting, she was ousted and replaced by its former President Mr. Surjadi. Even though the validity of this appointment seemed highly dubious to many observers, the authorities wasted no time in confirming it. There were numerous protests brutally suppressed in Jakarta. Some 30 NGOs then formed a group under the name of the Assembly of the Indonesian People (MARI) in order to lend their support to Ms. Megawarthi. She had "become more than the President of the IDP: she was the symbol of resistance to Mr. Suharto's regime and of the fight for freedoms. She remained moderate in her statements, but a daily open-ended forum was organized at the headquarters of the IDP where anyone who wanted could address a large and enthusiastic crowd". (Françoise Cayrac-Blanchard in Le Monde diplomatique, December 1996).

14. "On the morning of 27 July 1996, Mr. Surjadi besieged the building with the support of the forces of law and order. According to the findings of the investigation carried out by the National Human Rights Commission, 5 people were killed, 149 were injured and 23 went missing" (ibid). Extremely violent riots then broke out in Jakarta. After some hesitation, the army received orders to shoot on sight. The authorities blamed the events on "a small group of students" - the PRD or People's Democratic Party, which had been founded a few months earlier. Some 10 leaders of the PRD, several prominent figures

connected with NGOs, and former political prisoners were arrested and questioned. Among the people arrested was Muchtar Pakpahan, President of the SBSI (Indonesian Trade Union for Prosperity), an independent and hence illegal labour union, founded a few years earlier. Even though there was no basis for this arrest, it was by no means accidental.

15. The SBSI was founded on 5 April 1992 at an international symposium in which 106 delegates participated. "We have acted in accordance with our Constitution, which provides for freedom of association" Muchtar Pakpahan emphasizes. But since the authorities only allow a single official trade union the SBSI has remained forbidden and been forced to operate under cover. "Many of our activists have been arrested and even tortured" (Muchtar Pakpahan, in Sud-Nord, nouvelles alliances pour la dignité du travail, CETIM, 1996).

16. In June 1994, Muchtar Pakpahan had already been arrested once and sentenced to three years in prison - subsequently after an appeal, four years in prison - for incitement to violence following a peaceful but harshly suppressed demonstration, held at Medan a few months earlier in order to demand better working conditions. However, in May 1995, the Supreme Court released him under pressure from international trade unions. The persecution of the SBSI nevertheless continued. "I can tell you that every week a member of my organization is arrested by the military or by the police", Pakpahan testified in Pisa in October 1995 (ibid.). "Nevertheless, we will continue our fight to claim our freedom of association, in accordance with the provisions of our Constitution and with the conventions of the International Labour Organization (ILO). Our aim is to build a strong and free trade union, because there can be no well-being unless workers are free to act".

17. Following the events affecting the IDP, Muchtar Pakpahan was arrested again on 29 July 1996, and then put in solitary confinement on 2 August. He was charged with "subversion" and "illegal political activities" and was threatened with the death penalty, when according to the Indonesian National Human Right Commission "the Government and the security apparatus have interfered unduly in this case and have exceeded their role" and "these incidents are attributable to the Government's security policy". The Supreme Court, under political pressure, also declared applicable the four-year penalty to which he had previously been sentenced, whereas this had been formally anulled in May 1995. According to a judge of the same court, Adi Andojo Soetjipto, this was nothing less than a "political decision", since only the person convicted can appeal against a previous decision.